

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

WILLIAM SCOTT SOURS,)	
)	
Plaintiff,)	
)	Case No. 15-5075-CV-SW-DGK-P
vs.)	
)	
CHAD KARR, et al.,)	
)	
Defendants.)	

**ORDER DENYING PLAINTIFF’S MOTION FOR APPOINTMENT OF COUNSEL,
GRANTING PLAINTIFF’S MOTION TO AMEND, AND DIRECTING SERVICE ON
DEFENDANT MCINTOSH**

Upon consideration of the file and records in this case, it is **ORDERED** that:

(1) Plaintiff’s motion for appointment of counsel (Doc. 14) is denied without prejudice;¹

(2) Plaintiff’s motion to amend complaint (Doc. 15) is granted, in that the Clerk of the Court is directed to substitute Darren McIntosh for Defendant Daniels;

(3) the Clerk of the Court shall issue appropriate summons as authorized by Fed. R. Civ. P. 4, and shall deliver the summons, the complaint, a copy of this Order, and a copy of Doc. 5 to the United States Marshall for service of process on Defendant McIntosh (at 303 E. 3rd Street, Joplin, Missouri 64801);

¹ “There is no constitutional right to appointed counsel in civil cases.” *Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006) (citing *Edington v. Missouri Dep’t of Corr.*, 52 F.3d 777, 780 (8th Cir. 1995)). Rather, “[i]n civil rights matters the court *may*, pursuant to 28 U.S.C. § 1915, ‘request’ an attorney to represent a party if, within the court’s discretion, the circumstances are such that would properly justify such a request.” *Mosby v. Mabry*, 697 F.2d 213, 214 (8th Cir. 1982). Among the factors to be considered by the district court in determining whether to appoint counsel in a civil case are “the factual complexity of the issues, the ability of the indigent person to investigate the facts, the existence of conflicting testimony, the ability of the indigent person to present the claims, and the complexity of the legal arguments.” *Phillips*, 437 F.3d at 794. Because the record has not been developed sufficiently to determine if appointment of counsel is justified, Plaintiff’s request for appointment of counsel is denied without prejudice.

(4) the United States Marshal shall attempt personal service of process of the summons, the complaint, a copy of this Order, and a copy of Doc. No. 5 upon Defendant McIntosh as directed by Fed. R. Civ. P. 4; and

(5) Defendant McIntosh is directed to answer or otherwise respond to Plaintiff's complaint within twenty-one (21) days from the date of service of as required by Fed. R. Civ. P. 12.

/s/ Greg Kays

GREG KAYS
CHIEF UNITED STATES DISTRICT JUDGE

Kansas City, Missouri,

Dated: October 15, 2015.